

EXHIBIT A

FILED: DUTCHESS COUNTY CLERK 05/01/2018 06:19 PM

INDEX NO. 2018-51260

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 05/01/2018

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS**

MELANIE MULLIGAN AND MICHAEL MULLIGAN,

Plaintiffs,

**Index No.
Date filed**

-against-

**Plaintiff designates
Dutchess County as the
place of trial**

THE HOME DEPOT,

**The basis of venue is
residence of plaintiff and
location of accident**

Defendant.


SUMMONS

To the above named Defendant

Plaintiff resides at
20 Andrea Court
Poughkeepsie NY 12601

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: March 20, 2018


Edward A. Gabel III, Esq.
Attorney for Plaintiff
15 Davis Avenue
Poughkeepsie, New York 12603
(845) 471-5300

Defendant's Address:

The Home Depot
3470 North Road
Poughkeepsie, New York 12601

FILED: DUTCHESS COUNTY CLERK 05/01/2018 06:19 PM

INDEX NO. 2018-51260

NYSCEF DOC. NO.

RECEIVED NYSCEF: 05/01/2018

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

-----X
MELANIE MULLIGAN and MICHAEL MULLIGAN,

Plaintiffs,

VERIFIED COMPLAINT

-against-

INDEX #

THE HOME DEPOT,

DATE FILED:

Defendant.
-----X

The plaintiff, Melanie Mulligan, complaining of the defendant, Edward A. Gabel II,
respectfully alleges as follows:

AS AND FOR A FIRST CAUSE OF ACTION

1. That, at all times hereinafter mentioned, the plaintiff was and still is a resident of the County of Dutchess and State of New York.
2. That, upon information and belief, at all times hereinafter mentioned, the defendant, The Home Depot was and still is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.
3. That, upon information and belief, at all times hereinafter mentioned, the defendant, The Home Depot was and still is a foreign corporation licensed to do business in the State of New York.
4. That, upon information and belief, at all times hereinafter mentioned, the

FILED: DUTCHESS COUNTY CLERK 05/01/2018 06:19 PM

INDEX NO. 2018-51260

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 05/01/2018

defendant, The Home Depot, was the owner of a certain retail store located at North Road in the Town of Poughkeepsie, County of Dutchess and State of New York.

5. That, upon information and belief, at all times hereinafter mentioned, the defendant, The Home Depot, was the lessee of a certain retail store located at North Road in the Town of Poughkeepsie, County of Dutchess and State of New York.

6. That, at all times hereinafter mentioned, the plaintiff, Melanie Mulligan, was lawfully upon the aforesaid store premises.

7. That on Easter Sunday, April 16th, 2017, while plaintiff was lawfully at the aforesaid premises, she was caused to sustain severe and permanent injuries due to the negligence, carelessness and recklessness of the defendant in the ownership, operation, maintenance and/or control of the premises.

8. That the defendant, its agents, servants, and/or employees, were negligent, reckless and careless in, among other things, allowing, causing and/or permitting a dangerous, hazardous and unsafe condition to exist on the aforesaid premises.

9. That the aforesaid accident and resulting injuries were caused by the negligence, recklessness and careless acts of the defendant, its agents, servants and/or employees.

10. That by reason of the foregoing, the plaintiff, has sustained damages in excess of the jurisdictional limits of all lower Courts.

AS AND FOR A SECOND CAUSE OF ACTION

11. The plaintiff, Michael Mulligan, repeats and realleges each and every allegation alleged in paragraphs "1" through "10".

12. The plaintiff, Michael Mulligan, was and still is the husband of the plaintiff, Melanie Mulligan and they did and still continue to reside as husband and wife.

FILED: DUTCHESS COUNTY CLERK 05/01/2018 06:19 PM

INDEX NO. 2018-51250

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 05/01/2018


13. That by reason of the foregoing, the plaintiff, without negligence on his part, has been deprived of the services, household duties, society and consortium of said wife for a considerable amount of time, all to his damage.

14. That by reason of the foregoing, the plaintiff, Michael Mulligan has been damaged in a sum in excess of the jurisdictional limits of the lower Courts.

WHEREFORE, plaintiff demands judgment against the defendant for the sum an amount in excess of the jurisdictional limits of all lower Courts, together with the costs and disbursements of this action.

DATED: Poughkeepsie, New York
March 20, 2018

Yours, etc.


LAW OFFICE OF EDWARD A. GABEL III
Attorneys for Plaintiffs
15 Davis Avenue, P.O. Box 3007
Poughkeepsie, NY 12603
845/471-5300

FILED: DUTCHESS COUNTY CLERK 05/01/2018 06:19 PM

INDEX NO. 2018-51260

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 05/01/2018

VERIFICATION

State of New York :
County of Dutchess : ss.

Melanie Mulligan, being duly sworn, deposes and says, that I am the plaintiff in the within action; that I have read the foregoing SUMMONS AND VERIFIED COMPLAINT, and knows the contents thereof; that the same is true to my own knowledge, except as to those matters stated to be alleged upon information and belief, and that as to those matters I believe them to be true.

Melanie Mulligan
Melanie Mulligan

Sworn to before me this 22nd
day of March, 2018.

Edward A. Garel III
NOTARY PUBLIC

EDWARD A. GAREL III
Notary Public, State of New York
Qualified in Dutchess County
Reg # 4726336
Commission Expires June 30, 2018